

CHAPTER 14

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14-14-101 PURPOSE

The purpose of this Chapter is to provide for the several miscellaneous land development standards which are applicable throughout the City regardless of zone. The requirements of this Chapter shall be *in addition* to the property development standards contained within the provisions of each respective zone.

14-14-102 LOT STANDARDS

A. Newly Created Lots to Conform to Parcel Requirements. Except for more flexible requirements, such as those pertaining to planned unit developments, or as otherwise provided in this Chapter, every lot created within the city shall have such width, yard, area, coverage, parking and frontage upon a dedicated or publicly approved street before a building permit may be issued or shall have frontage upon a private street or right-of-way approved by the Planning Commission.

B. Transfer of Required Yard Space Prohibited. No space needed to meet the width, yard, area, parking, frontage or other requirements of this Ordinance for a lot or building may be transferred,

sold, bequeathed or leased apart from such lot or building unless other space so complying is provided. No land shall be sold or transferred which will result in a lot being created for building purposes that does not comply with the provisions of this Ordinance.

14-14-103 YARD SPACE FOR ONE BUILDING ONLY

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing yard or open space on a lot where on a building is to be erected or established.

14-14-104 FRONT AND REAR YARD MODIFICATION - DEVELOPED AREAS

In subdivisions in which more than seventy-five (75) percent of the lots have buildings with front and/or rear yards which are less than the required yard for the zone in which they are located, the minimum front and rear yard requirements for vacant lots shall be equal to the average of the existing front or rear yards on the lots with the subdivision, but in no case shall the setbacks be less than twenty (20) feet in the front yard or less than fifteen (15) feet in rear yards.

In developed residential areas not in recorded subdivisions where fifty (50) percent or more of the frontage of a block is improved with buildings with front and/or rear yards which are less than the required yard for the zone in which they are located, the minimum front and rear yard requirements for vacant lots shall be equal to the average of the existing front or rear yards in that block.

14-14-105 COMBINED LOTS - RESTRICTIONS

A combined lot may be created from two or more contiguous lots and the side yard requirements of this Ordinance shall apply only to the external boundaries of the combined lot. Development for a permitted use on a combined lot shall require site plan approval from the Planning Director. Development for a conditional use on a combined lot shall require a Conditional Use Permit from the Planning Commission. An application for a Conditional Use Permit or for site plan approval may not be denied solely because the use is proposed for a combined lot. The more restrictive covenants and conditions are applicable to all combined lots. This provision does not abrogate any use restriction provided by deed or other written recorded instrument affecting or otherwise restricting the use of the real property in question.

14-14-106 REPEALED¹

14-14-107 LOCATION OF RECREATIONAL VEHICLES

Boats, boat trailers, campers, travel trailers and other similar recreational vehicles may not be placed,

¹Entire section repealed 9/9/98 Ordinance No. 98-16

kept, stored, or maintained within the front yard of any residential zones except on legally established driveways. Such vehicles must maintain a minimum setback of ten (10) feet from the street property line so as to preserve adequate visibility for pedestrian and traffic safety. Further, such use shall not be located in the clear vision zone of a corner lot as defined in Chapter 17 of this Ordinance.

14-14-108 LOCATION OF MOBILE HOMES

It shall be unlawful for any person to place, keep, occupy or maintain a mobile home upon any lot or parcel of land within the City except in a mobile home park or mobile home subdivision. Mobile offices are permitted as a temporary conditional use as provided in Chapter 15 of this Ordinance.

14-14-109 ABANDONED, WRECKED, OR JUNKED VEHICLES²

1. Definitions: As used in this Chapter:

- (a) Unregistered vehicle means any motor vehicle which is not currently registered and licensed in accordance with Utah state law.
- (b) Inoperative vehicle means any motor vehicle that cannot be moved under its own power.
- (c) Dismantled vehicle means any motor vehicle that is partially or wholly disassembled.
- (d) Wrecked vehicle means any motor vehicle that is damaged to such an extent that it cannot be lawfully operated upon a highway.
- (e) Abandoned vehicle means any motor vehicle left on public property or private property in such an inoperative, dismantled, wrecked or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded. A reasonable conclusion that any motor vehicle is "abandoned" includes, but is not limited to, consideration of: the amount of time the motor vehicle has been resting in the same place; the state of the motor vehicle's mechanical condition; the state of the motor vehicle's registration and licensing; information provided by the owner of the motor vehicle; and, information provided by surrounding property owners.
- (f) Vehicle parts means any items that can be attached to or included as part of or within any motor vehicle.

2. Unlawful conduct. It is unlawful and a public nuisance for any owner or tenant to cause or permit any unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) to be parked, stored, or remain on any property or premises, unless within an enclosed garage,

²Amended 8/13/2002 Ordinance No. 2002-15

or in connection with a lawfully situated and licensed business engaged in the repair of motor vehicles. It may be prosecuted by criminal prosecution or by abatement provision for public nuisances.

3. Exception Permit.

A. A permit may be granted by the Planning Director for an exception to Bountiful Zoning Ordinance 14-14-109(2) if the owner of an unregistered, inoperative, dismantled, wrecked, or abandoned motor vehicle(s) and/or vehicle part(s) makes written application to the Bountiful Planning Director providing:

- a) proof that the applicant is the owner of the motor vehicle(s);
- b) proof that the applicant is the owner of or has permission of the owner of the property upon which the motor vehicle(s) will be parked, stored, or remain;
- c) a description of the condition of the motor vehicle(s), i.e., that the motor vehicle(s) is/are unregistered, inoperative, dismantled, wrecked, or abandoned;
- d) a description of the plan(s) by which the condition of the motor vehicle(s) will be changed, i.e., the date upon which the vehicle will be registered, repaired, removed from the property, etc.;
- e) the address at which the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed;
- f) the location upon the property, at the address set forth in condition c), above, where the motor vehicle(s) will be parked, stored, or remain while its/their condition is being changed; and,
- g) that a nuisance or health hazard will not be created while the motor vehicle(s) are parked, stored, or retained.

B. A permit is valid for only one vehicle. Only one permit may be issued per year per property, and for a period not to exceed six months. At the end of the six months, the vehicle must either be repaired and lawfully registered or removed from the property.

C. Any vehicle maintained on a property under an exception permit must be otherwise kept in compliance with all applicable laws, cannot be parked or kept in the public right of way or on landscaped areas, cannot constitute a hazard in any way, and cannot constitute a public nuisance. A permit may be revoked by the Planning Director for failure to comply with these terms, and a permit may be denied for failure to comply with these terms for earlier vehicles. The denial or revocation of a permit may be appealed to the City Council.

4. Penalty. Any violation of this section is hereby declared to be a public nuisance and a Class B Misdemeanor.

14-14-110 STORAGE OF TRASH AND DEBRIS PROHIBITED

No yard or other open space shall be used for the storage of trash, debris or abandoned equipment and no land shall be used for such purposes, except as specifically authorized by and in compliance with the provisions of this Ordinance.

14-14-111 REFUSE SITING STANDARDS

A. When refuse storage containers are used in multiple family, commercial, industrial, office or church sites, the containers shall be of sufficient size and numbers to provide suitable capacity to contain the refuse generated at the site. Containers shall be closed by an attached cover at all times.

B. All containers shall be kept at a location easily accessible by collection vehicles and refuse producers. Refuse containers shall be kept away from overhead utility lines and structures with projections to facilitate pickup. Container siting shall also comply with the International Fire and International Building Codes.³

C. Outdoor refuse containers in multiple family, office and commercial areas shall be enclosed by a solid enclosure architecturally compatible with the main structure(s), equipped with a solid barrier access gate, and have paved vehicle access.

D. Outdoor refuse containers in industrial areas shall be enclosed by a solid barrier fence with attached solid barrier access gates with vehicle access from a paved surface or as approved by the Planning Commission, except refuse containers located within a fenced yard area and not visible from the street will not need a separate barrier enclosure.

E. In cases where a refuse container enclosure is required, the container shall be enclosed by a six (6) foot enclosure or solid barrier fence with a minimum gate opening of nine (9) feet wide. The fence or enclosure shall have a minimum clearance of two (2) feet from the refuse container to be stored within it.

F. No refuse collection areas shall be permitted between the street and the front building line except as allowed by the Planning Commission.

G. Temporary refuse collection containers on construction sites or other related uses are exempt from barrier fencing.

14-14-112 HEIGHT LIMITATIONS - EXCEPTIONS

³Amended 5/14/2002 Ordinance 2002-08

Where doubt exists as to height of fences, hedges, buildings, structures, etc., provided for in this Ordinance, height limitations shall be measured from the averaged finished grade of the front yard for building or from the average finished grade of the yard in which fences, hedges, or other such structures are located.

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, or domes not used for human occupancy, or to chimneys, ventilators, fire or parapet walls, flag poles, sky lights, water tanks, silos, cornices without windows, antennas, radio towers, or properly screened mechanical appurtenances usually carried above the roof level of a building; except in no case shall it be lawful to construct, build, or establish a building, tree, smoke stack, chimney, flag pole, wire, tower, or other structures or appurtenances thereto which may constitute a hazard or obstruction to navigation or landing and take-off of aircraft at a publicly used airport. Regulations established by the Federal Aviation Agency shall be considered to be the minimum acceptable standards for facilities in such an area.

14-14-113 ADDITIONAL HEIGHT ALLOWED

Public and quasi-public buildings, when authorized in a district, may be erected to a height greater than the district height limit by Conditional Use Permit.

14-14-114 STORAGE OF COMMERCIAL VEHICLES - RESIDENTIAL ZONES

No trucks, motor vehicles or commercial trailers having a gross weight of twelve thousand (12,000) pounds or more shall be stored or parked on any lot or parcel within any residential zone, nor shall any contracting and/or earth moving equipment be stored or parked on any lot or parcel in any residential zone.

14-14-115 SWIMMING POOLS

Swimming pools of permanent construction which are not enclosed within a building shall be set back at least five (5) feet from all rear or side yard property lines in single-family residential zones and as determined by Site Plan Approval by the Planning Commission in multiple-family and commercial zones. Each pool shall be surrounded by a substantial fence or wall starting at ground level and having a height of at least six (6) feet from the ground to the top of the fence with only one opening for a gate. However, a second gate for maintenance or service access may be installed if allowed and regulated under a Conditional Use Permit approved by the Planning Commission. Fences shall be of a chain link material, masonry, solid wood, or wood or metal rail with the spacing between rails no greater than four (4) inches. All fences or walls shall be equipped with a self-closing, self-latching device on gates. Swimming pools in multi-family development, motels and hotels shall require Conditional Use Permit approval by the Planning Commission.

14-14-116 SATELLITE TELEVISION ANTENNAS

A. Definitions. The following terms are defined for the purposes of this Chapter:

SATELLITE TELEVISION ANTENNA: The outdoor portion of equipment used for receiving satellite television signals which appears and is commonly known as a "dish" and which exceeds three (3) feet in diameter.

HEIGHT OF ANTENNA: The distance upward from the base of the antenna to the uppermost portion of the antenna. Said distance being measured at a time when said antenna is extended to its greatest height.

B. Permit Required.

1. It shall be unlawful for any person, firm partnership, or corporation to install, construct, reconstruct, or materially alter a satellite television antenna without first obtaining a building permit from the City of Bountiful.
2. The applicant shall file an application for a building permit for a permanent antenna structure which shall be accompanied by construction drawings showing the proposed method of installation, and a plot plan showing the proposed location of the antenna upon the lot or property.

C. Standards for Residential and Institutional Districts.

1. Any satellite television antenna shall be subject to the following provisions:
 - a. On interior lots, a satellite television antenna:
 - (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.
 - (2) Shall be located in the rear or side yard.
 - (3) Shall be located no closer to a public street than the main building for lots that have a reduced front yard setback.
 - (4) Shall be located at least five (5) feet from any rear or side property line.
 - b. On corner lots, a satellite television antenna:
 - (1) Shall not exceed a height of twenty (20) feet measured from the highest point of the antenna to the ground.
 - (2) Shall not be permitted within the front yard, or the side yard that fronts upon a public street.

- (3) Shall be located at least five (5) feet from any rear or side property line that is adjacent to the adjoining lot.

D. Standards for Commercial and Industrial Districts. Any satellite television antenna installed, located, constructed, reconstructed, or materially altered as provided in this Section, shall be subject to the following provisions:

1. The antenna shall not exceed a height of twenty (20) feet if mounted on the ground.
2. The antenna shall not be located closer than fifteen (15) feet to any public street.
3. The antenna shall not be located closer than ten (10) feet to any residential property lines.
4. If used for advertising purposes, the antenna shall not be installed on any floor and shall be deemed a sign governed by the sign regulations as provided in Chapter 19 of this Ordinance.
5. If the an antenna is proposed to be mounted on the roof of a building:
 - a. It shall not exceed the height limit established for the zone in which it is located.
 - b. It shall not be used for any advertising purposes.
 - c. It shall be screened from public view as per the requirements of Section 14-16-202B of this Ordinance.
6. If an antenna is proposed to be located in any landscaped area:
 - a. It shall be located so as not to create any traffic safety or vision problems.
 - b. It shall be screened by shrubs and/or other landscaping features.

14-14-117 SEMI-PRIVATE SWIMMING CLUBS AND RECREATION FACILITIES⁴

The Planning Commission may permit the use of land in any residential zone for semi-private swimming clubs or recreational facilities providing that all of the following are met:

- A. The facilities shall be owned and maintained by the members with a minimum of seventy-five percent (75%) of the membership being residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.

⁴Amended 8/23/95 Ordinance 95-19

- B. The area to be used for recreational purposes, together with off-street parking where required by the Planning Commission, is of sufficient size to accommodate all proposed facilities and satisfy the needs of the area and still maintain a landscaped front yard of not less than thirty (30) feet and landscaped side yard on both sides and rear of not less than ten (10) feet.
- C. The area to be developed into a recreational area must be of such size and shape as not to cause undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. The use of the property shall be for private recreational use by the owners, their families and guests. Under no condition may any admission fees be charged nor any type of retail or business facilities, vending machines, or other commercial use be permitted except those specifically approved by the Planning Commission.
- E. Accessory facilities other than standard shower and changing rooms (i.e., clubhouses) shall not be allowed.
- F. All nighttime indoor or outdoor activity shall conform to the Bountiful City Noise Ordinance with the facility closing for any activity at 11:00 p.m..
- G. The owners of the proposed recreational facility must have a statement from one hundred percent (100%) of abutting property owners and seventy-five percent (75%) of all property owners within a radius of 500 feet of the development giving permission to develop the recreational facility.
- H. A solid masonry or concrete block wall, or substitute as approved by the Planning Commission, shall be required around the entire recreational area to a height of not less than six (6) feet. The fence across the front of the property shall be constructed no closer to the front property line than the required front yard setback for the zone in which it is located.
- I. At least ten percent (10%) of the site area shall be landscaped, including all front yards, side yards and at least ten (10) feet depth at side and rear yard lines abutting a residential zone or property. Landscaping of park strips shall be required in addition to the on-site landscaping required.
- J. Approval of any recreational facility by the Planning Commission under this section shall be deemed a conditional Use Permit and any and all conditions as required by the Planning Commission must be complied with by the owners of the facility or the approval shall be void.

14-14-118 TELECOMMUNICATIONS TOWER SITES⁵

A. It is the finding of the City Council that:

1. It is in the best interests of the citizens of the City to have quality cellular wireless telephone service available. This necessarily entails the erection of telecommunications towers within the City limits.
2. It is the right of private enterprise to do business within the City, subject only to reasonable regulation by the City. This includes the telecommunications business.
3. It is in the best interests of the citizens that the telecommunications towers which are constructed are:
 - a. as unobtrusive as possible in their location, size and construction;
 - b. as few in number as possible;
 - c. subject to such reasonable restrictions as may best minimize the impact upon surrounding properties and the City as a whole; and
 - d. not placed in residential areas unless there is no other alternative.
4. It is in the best interests of telecommunications businesses to have access to towers which are of the appropriate height and location to serve their reasonable needs.
5. It is the policy of the City of Bountiful to make available to telecommunications companies such sites as the City owns and which can reasonably serve the needs of the companies, the citizens, and the City.

B. In order to serve current and reasonably foreseeable needs, any site approved by the City, whether on City or other property, shall be subject to the following requirements:

1. the applicant must consent in the lease to two co-locations (in addition to applicant) on the same tower; and
2. the towers must be constructed in such a manner as to be able accommodate three different services, meaning the original company's equipment and two co-locations on the same tower.

C. When a first application for a telecommunications tower is received, it shall be located in such a place and manner which are:

1. as unobtrusive as possible in their location, size and construction;
2. as few in number as possible;
3. subject to such reasonable restrictions as may best minimize the impact upon

⁵Amended 8/7/96 Ordinance 96-11

- surrounding properties and the City as a whole; and
4. not placed in residential areas unless there is no other alternative.

D. When later applications for towers are received, the applicants shall be required to:

1. co-locate on an existing tower, unless it can be shown by a preponderance of the evidence that all existing sites are inadequate to serve that company's reasonable needs due to location, height or other reason; and
2. pay reasonable compensation to the original tower company to fairly share past and future costs.

14-14-119⁶ SIGHT CLEARANCES ON CORNER LOTS

It is unlawful for an owner, possessor, or one who occupies a corner lot to maintain or permit within a triangular area formed by the street curb lines and a line connecting them at points forty (40) feet from the intersection:

- (a) Solid fences, walls, or other structural screening material greater than two (2) feet in height.
- (b) Nonsolid, open type fencing, which is in excess of four (4) feet in height, is less than 75 percent open, and presents a visual barrier to adjoining properties and streets.
- (c) Shrubs, bushes, plants or plant growth higher than 2 feet above ground level.
- (d) Trees with branches less than 7 feet above ground level which overhang or extend into the clear vision area.
- (e) Ground or monument signs.
- (f) Any other obstruction of any sort which interferes with the safety of pedestrians or traffic.

No provision of this section shall be construed to allow the continuance of any nonconforming tree, shrub, plant or plant growth, fence, wall, other screening material, or other obstruction which interferes with the safety of pedestrians or traffic or which is detrimental to the health, safety and welfare of the general public.

14-14-120⁷ RESIDENTIAL FACILITY FOR ELDERLY PERSONS

⁶Amended 12/4/96 Ordinance 96-17

⁷Amended 10/22/97 Ordinance No. 97-31

- A. Residential facilities for elderly persons (as defined by State law) are a permitted use in any zoning area where residential dwellings are allowed, except R-1 single family zones where they are a conditional use.
- B. Only those facilities to which a Permit for Residential Facility for Elderly Persons has been issued by the City shall qualify as a residential facility for elderly persons.
- C. In all residential zones except single family, the City shall issue a Permit for Residential Facility for Elderly Persons if all of the following requirements have been met:
 - 1. The proposed facility is or will be owned by one of the residents, or by an immediate family member of one of the residents, or by a facility for which the title has been placed in trust for a resident.
 - 2. The proposed location of the facility is consistent with existing zoning.
 - 3. The facility will be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
 - 4. The proposed facility meets all applicable building, safety, zoning and health ordinances which are applicable to similar dwellings.
 - 5. The proposed facility has adequate off-street parking space.
 - 6. The proposed facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.
 - 7. The proposed facility is not within three-quarters of a mile of another residential facility for elderly persons or residential facility for persons with a disability.
 - 8. No person being treated for alcoholism or drug abuse will be admitted.
 - 9. Placement in the proposed facility will be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

- D. In single family residential zones, the City shall issue a Permit for Residential Facility for Elderly Persons if all of the following requirements have been met:
 - 1. The proposed facility is or will be owned by one of the residents, or by an

immediate family member of one of the residents, or by a facility for which the title has been placed in trust for a resident.

2. The proposed location of the facility is consistent with existing zoning.
3. The facility will be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
4. The proposed facility meets all applicable building, safety, zoning and health ordinances which are applicable to similar dwellings.
5. The proposed facility is capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character.
6. The proposed facility is not within three-quarters of a mile of another residential facility for elderly persons or residential facility for persons with a disability.
7. No person being treated for alcoholism or drug abuse will be admitted.
8. Placement in the proposed facility will be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
9. The requirements of a conditional use permit under the City Zoning Ordinance are met.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

- E. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and must notify the City Planning and Zoning Director within ten days if the facility no longer meets any of the requirements of paragraph C.
- F. Use a residential facility for elderly persons is non-transferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with City ordinances authorized by Section 10-9-501 et seq.
- G. Discrimination against elderly persons and against residential facilities for the elderly is prohibited.

14-14-121⁸ RESIDENCES FOR PERSONS WITH A DISABILITY

- A. Residences for persons with a disability (as defined by State law) are a permitted use in any zoning area where residential dwellings are allowed.
- B. Only those facilities to which a Permit for Residential Facility for Persons with a Disability has been issued by the City shall qualify as a residential facility for persons with a disability.
- C. In all residential zones, the City shall issue a Permit for Persons with a Disability if all of the following requirements have been met:
 - 1. The proposed facility is one in which more than one person with a disability will reside.
 - 2. The proposed facility is licensed or will be licensed as a residential facility for persons with a disability by the Department of Human Services.
 - 3. The proposed facility meets all applicable building, safety, and health regulations that are applicable to similar structures.
 - 4. The proposed facility is not within one-quarter of a mile of another residential facility for persons with a disability.

The applicant for a permit shall submit to the City evidence of ownership, a site plan, facility admission and operating guidelines, and other documents or information necessary to establish compliance with these requirements.

- D. Any permit issued by the City shall be conditional upon the applicant obtaining licensing from the Department of Human Services for a residential facility for persons with a disability. The permit will not become effective until the applicant obtains such licensing.
- E. After issuance of the permit, the owner of the property shall provide satisfactory evidence of continuing compliance upon request of the City, and must notify the City Planning and Zoning Director within ten days if the facility no longer meets any of the requirements of paragraph C.
- F. Use as a residence for persons with a disability is non-transferable and terminates if the structure is devoted to use other than a residence for persons with a disability or if the structure fails to comply with this City and State law.

⁸Amended 10/22/97 Ordinance No. 97-31

14-14-120⁹ SPECIAL PERMIT FOR TEMPORARY CLASSROOMS AT PRIVATE SCHOOLS

Upon such conditions as the Board may find reasonable, a special exception permit may be granted by the Board of Adjustment to private elementary and secondary schools concerning placement or use of temporary classroom facilities on private school property.

⁹Amended May 26, 1999 Ordinance No. 99-12

